## Do the Right Thing... Equitable Services

**SELDA July 10, 2024** 

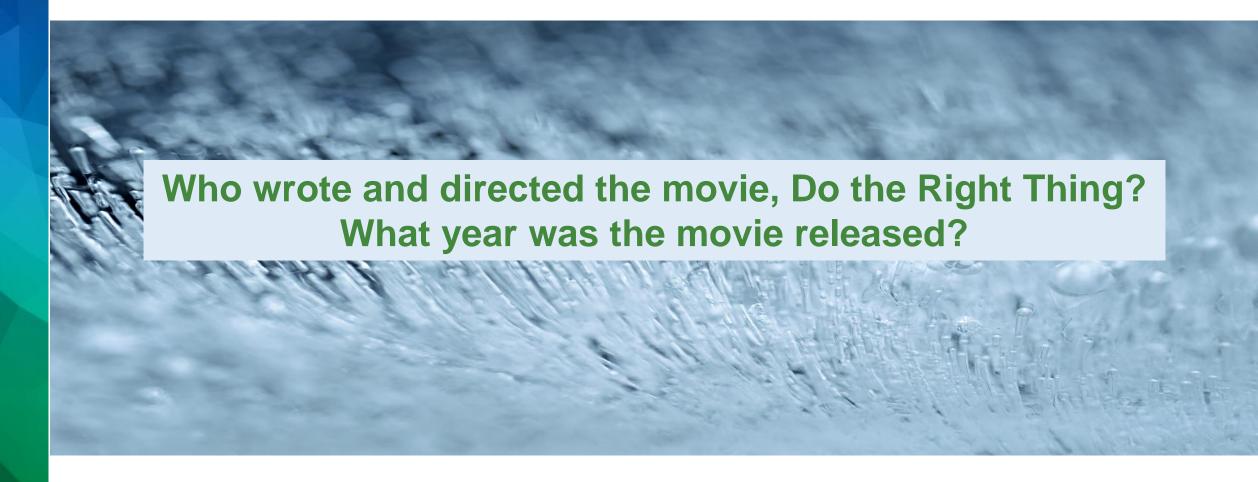


Carla Rose, District Budget Liaison





#### Ice Breaker







### Agenda

- Equitable services regulations
- Local educational agency (LEA) requirements
- Proportionate Share
- Resources

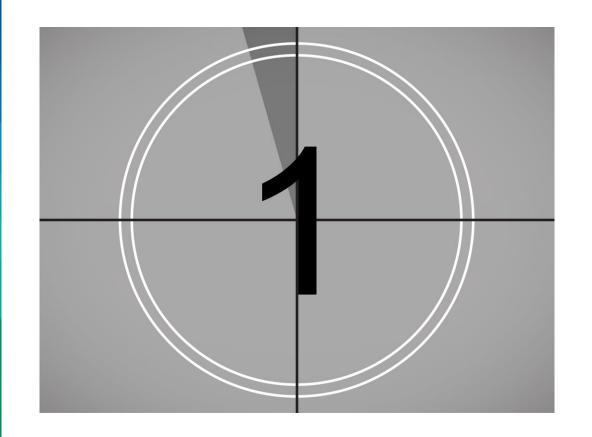


## What's Your Comfort Level?

Draw the emoji that best describes your comfort level with Equitable Services?







# Equitable Services Federal Regulations



#### Definition of Equitable Services

- Special education and related services provided to parentally-placed private school children with disabilities in accordance with the provision in the Individuals with Disabilities Education Act (IDEA) and its implementing regulations in 34 C.F.R. §§ 300.130 - 300.144.
- Equitable services requirements do not apply to charter local educational agencies (LEAs).



## Definition of Parentally-Placed Private School Children with Disabilities

#### 34 C.F.R. § 300.130

- Defines parentally-placed private school children with disabilities
  - Children with disabilities enrolled by their parents in private, including religious, schools or facilities that meet the definition of elementary school in 34 C.F.R. § 300.13 or secondary school in 34 C.F.R. § 300.36, other than children with disabilities covered under 34 C.F.R. §§ 300.145 300.147.
  - The definitions of elementary school in 34 C.F.R. § 300.13 and secondary school in 34 C.F.R. § 300.36 specify that the school must be nonprofit.



## Definition of Elementary School 34 C.F.R. § 300.13

#### **Elementary School**

- 1) A nonprofit institutional day or residential school, including a public elementary charter school, that provides elementary education, as determined under State law.
- 2) In Georgia, that includes any private school that meets the definition of elementary school to include having a kindergarten program.



## Definition of Secondary School 34 C.F.R. § 300.36

#### **Secondary School**

- 1) A nonprofit institutional day or residential school, including a public secondary charter school that provides secondary education, as determined under State law, except that it does not include any education beyond grade 12.
- 2) In Georgia, that includes any private school that meets the definition of secondary school. State law defines middle school as a school which contains no grade below grade four and no grade above eight. High school is defined as a school which contains any grade above grade eight. (Georgia Rule 160-4-7-.21(38)).



## Eligible Students for Equitable Services

- Students with disabilities (ages 3-21) who are parentally placed in a private elementary or secondary school (34 C.F.R. § 300.130).
- Homeschool students in Georgia are treated as private school students in regard to special education (Georgia Rule 160-4-7-.13(3)(a)(1)).







# Local Educational Agency Requirements



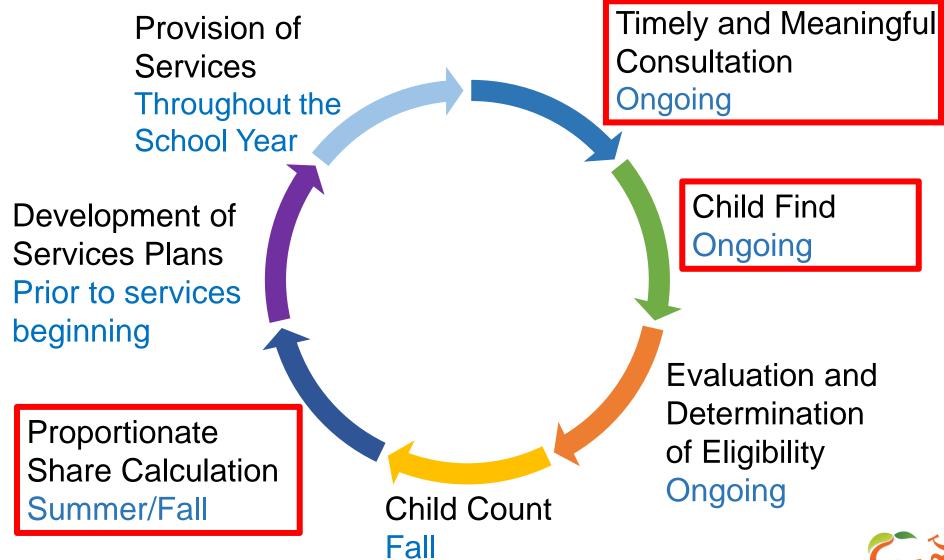
### Private School Location and the LEA Responsible

 Obligation to provide equitable services rests with the LEA where the student's private/home school is located (34 C.F.R. § 300.131(a))





#### **Equitable Services Requirements**



## Timely and Meaningful Consultation 34 C.F.R. § 300.134

To ensure <u>timely and meaningful consultation</u>, an LEA, or, if appropriate, an SEA, <u>must consult</u> with private school representatives and representatives of parents of parentally-placed private school children with disabilities during the <u>design and development</u> of special education and related services for the children...



#### What is Consultation?

Mandatory Process	Ongoing Process	Collaborative Process
<ul> <li>Occurs prior to other required activities</li> <li>Involves discussions between the LEA and stakeholders</li> </ul>	<ul> <li>Not solely an annual meeting</li> <li>May occur as many times as needed</li> </ul>	<ul> <li>Opportunity for all parties to express their views and consider others' views</li> <li>Decisions about services may not be made in advance</li> </ul>



## Timely and Meaningful Consultation Required Topics #1-2

#### 34 C.F.R. § 300.134

- 1. Child find process including:
  - How parentally-placed private school children suspected of having a disability can participate equitably in child find
  - How parents, teachers, and private school officials will be informed of the process
- 2. The proportionate share amount available to serve parentally-placed private school children with disabilities and how it was calculated.

## Timely and Meaningful Consultation Required Topics #3-4

#### 34 C.F.R. § 300.134

- 3. Consultation process, methodology and schedule for the year
- 4. How, where and by whom special education and related services will be provided for parentally-placed private/home school children with disabilities, including a discussion of the types and amounts of services that will be provided
  - The LEA must make the final decisions on services to be provided after receiving views from the participants (34 C.F.R. § 300.137(b)(2)).



## Timely and Meaningful Consultation Required Topic #5

#### 34 C.F.R. § 300.134

5. How, if the LEA disagrees with the views of the private schools on services, it will provide a written explanation of why it chose not to follow the views of the private schools.



#### Provision of Services for Parentally-Placed Private School Children with Disabilities

34 C.R.F. § 300.132

- The LEA where the student's private/homeschool is located has the obligation to provide equitable services.
- The LEA must develop and implement a services plan for each child designated to receive services.
- Each LEA must maintain records and provide information to the state education agency (SEA).
  - (1) The number of children evaluated;
  - (2) The number of children determined to be children with disabilities; and
  - (3) The number of children served.



## Equitable Services Determined 34 C.F.R. § 300.137

- No parentally-placed private school child with a disability has an individual right to special education and related services.
- Decisions about services may not be made in advance or in the absence of timely and meaningful consultation.
  - The LEA must make the final decisions about all aspects of the services to be provided.
- The LEA must initiate and conduct meetings to develop, review, and revise a services plan for the child.



#### **Written Affirmation**

The LEA must obtain a signed written affirmation from participating private school and homeschool representatives (34 C.F.R. § 300.135).

**Private School Consultation Affirmation** 





#### Written Affirmation (cont.)







Provide to Each Representative to Sign



Note Any Refusals to Sign



#### **Documentation to Keep**

#### **Documentation**

- a. Emails and letters to find eligible students
- Copies of all notices such as letters, emails, website and newspaper notifications, etc.
- c. Outreach attempts for consultation, nature of attempts, and outcomes of attempts
- d. Sign-in sheets
- e. Meeting agendas, PowerPoints and all consultation materials
- f. Signed written affirmation forms and consultation notes





## Select the correct statement(s) describing timely and meaningful consultation.

- a. Timely and meaningful consultation is a mandatory process.
- b. Timely and meaningful consultation occurs after other required activities.
- c. Timely and meaningful consultation may occur as many times as needed throughout the year.





## Select the correct statement(s) describing timely and meaningful consultation.

- Timely and meaningful consultation is a mandatory process.
- b. Timely and meaningful consultation occurs after other required activities.
- c. Timely and meaningful consultation may occur as many times as needed throughout the year.



#### **Child Find**

Per 34 C.F.R. § 300.131, an LEA must conduct child find activities for parentally-placed private school children with disabilities.





## Child Find for Parentally-Placed Private School Children with Disabilities

#### 34 C.F.R. § 300.131

- (a) General. Each LEA must locate, identify, and evaluate all children with disabilities who are enrolled by their parents in private, including religious, elementary schools and secondary schools located in the school district served by the LEA, in accordance with paragraphs (b) through (e) of this section, and §§300.111 and 300.201.
- (b) Child find design. The child find process must be designed to ensure-
  - (1) The equitable participation of parentally-placed private school children; and
  - (2) An accurate count of those children.



## Child Find for Parentally-Placed Private School Children with Disabilities (cont.)

#### 34 C.F.R. § 300.131

- (c) Activities. In carrying out the requirements of this section, the LEA must undertake activities similar to the activities undertaken for the agency's public schools.
- (d) Cost. The cost of carrying out the child find requirements in this section, including individual evaluations, may not be considered in determining if an LEA has met its obligation under § 300.133 (Expenditures.)



## Child Find for Parentally-Placed Private School Children with Disabilities (cont.)

#### 34 C.F.R. § 300.131

(e) Completion period. The child find process must be completed in a time period comparable to that for students attending public schools in the LEA consistent with § 300.301







## What are the three requirements of LEAs for Child Find?

Each LEA must . . .

a. \_\_\_\_

b.

C. \_\_\_\_\_

who are parentally-placed private school children with disabilities.





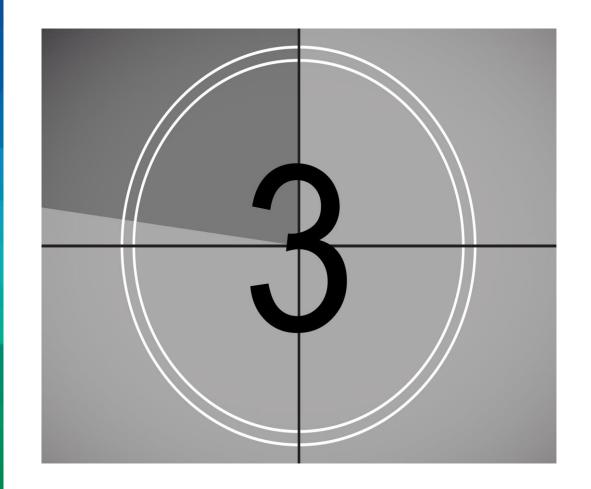
## What are the LEA's three requirements for Child Find?

Each LEA must . . .

- a. Locate
- b. Identify
- c. Evaluate

who are parentally-placed private school children with disabilities, and in Georgia this includes homeschooled children with disabilities.



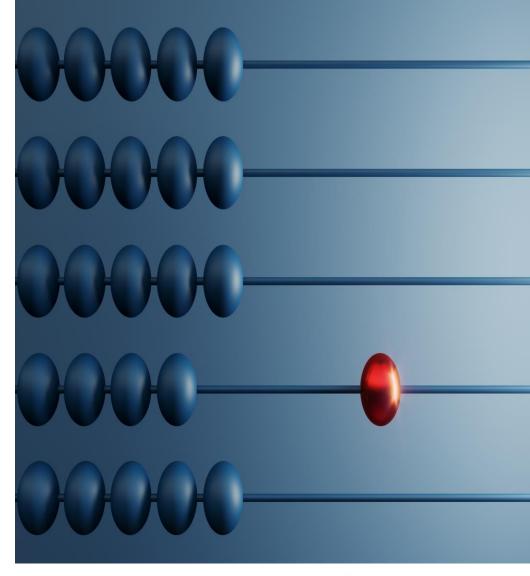


## Proportionate Share



## Proportionate Share Calculation

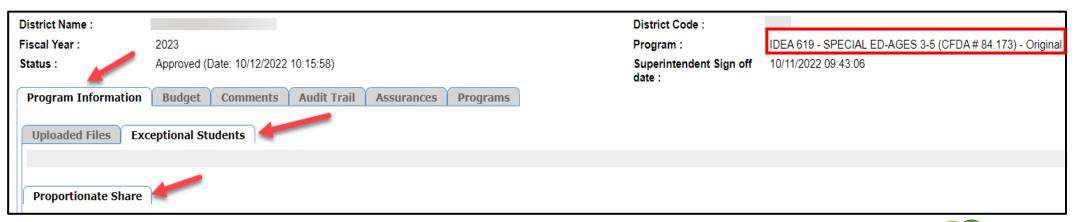
An LEA <u>must calculate</u> the proportionate share amount of IDEA Part B funds to be provided for parentally-placed private school children with disabilities (34 C.F.R. § 300.133(b)).





## How do LEAs locate the Proportionate Share tab?

- After selecting the 611 IDEA (Ages 3-21) or 619 IDEA (Ages 3-5) Budgets in the Consolidated Application,
  - Select the Program Information tab
  - Next, select the Exceptional Students tab
  - Finally, select the Proportionate Share tab





## **Proportionate Share Tab IDEA 611**

Fiscal Year : Status :	2025 New (Date: May 14 2024 10	46AM)	Program : Superintendent Sign off date :	IDEA 611 - SPECIAL	ED FLOWTHROUGH (CFDA # 84.027) - Original
Program Information  Uploaded Files Exc	Budget Comments  ceptional Students IDE/	Audit Trail   Assurances   Programs   Fiscal Self Assessment			
					Print
Proportionate Share CEIS Budget Worksheet					
Worksheet: Proportional	te Amount of Funds for Priva	te School Children with Disabilities			
The amended IDEA 2004 federal regulations require that a proportionate amount of <b>IDEA 611</b> funds must be spent on providing special education and related services to private school children with disabilities unilaterally placed by their parents. The following worksheet allows you to calculate this proportionate amount. <b>NOTE:</b> Board Rule 160-4-7.13 (3)(a)(1) Home school children are to be counted and treated as private school children when determining the proportionate share of funds.					
		A. Number of parentally placed eligible private/home schooled children with disabilities located in the LEA(S and N students from FT085 report):  B. Number of children with disabilities in public schools in the LEA (Y students from FT085 report):  C. Total number of eligible children with disabilities (Y, S, and N students):  D. Proportionate Percentage: Note - 4 decimal places  E. Allocation Amount:  F. Proportionate Amount:  G. CarryOver Amount:  H. Total Proportionate Amount:	\$0.00		



## **Proportionate Share Tab IDEA 619**

Fiscal Year :	2025	Program :	IDEA 619 - SPECIAL ED-AGES 3-5 (CFDA # 84.173) - Original					
Status :	New (Date: Mar 20 2024 7:47PM)	Superintendent Sign off date :						
Program Information	Budget Comments Audit Trail Assurances Programs							
Uploaded Files Ex	ceptional Students							
Opioaded Files	ceptional Students		Print					
Proportionate Share								
Worksheet: Proportiona	ate Amount of Funds for Private School Children with Disabilities							
	If ederal regulations require that a proportionate amount of IDEA 619 funds must be spent of allows you to calculate this proportionate amount.	on providing special education and related se	rvices to private school children with disabilities unilaterally placed by their parents.					
	NOTE: Board Rule 160-4-7.13 (3)(a)(1) Home school children are to be counted and treated as private school children when determining the proportionate share of funds.							
		3-5 Only						
	A. Number of parentally placed eligible private/hom schooled children with disabilities located in the LE							
	and N students from FT085 report):  B. Number of children with disabilities in public sch	nools						
	in the LEA (Y students from FT085 report):							
	C. Total number of eligible children with disabilities and N students):	(Υ, δ,						
	D. Proportionate Percentage: 4 decimal places							
	E. Allocation Amount:	\$0.00						
	F. Proportionate Amount: G. CarryOver Amount:							
	G. CarryOver Amount.							
	H. Total Proportionate Amount:							



## **Proportionate Share Tab Contents**

A.	Number of parentally-placed eligible private/home schooled children with disabilities located in the LEA (S and N students from FT085 report)	Input
B.	Number of children with disabilities in public schools in the LEA (Y students from FT085 report)	Input
C.	Total number of eligible children with disabilities (Y, S, and N students)	Formula
D.	Proportionate Percentage – 4 decimal places	Formula
E.	Allocation Amount	Auto Fill
F.	Proportionate Amount	Formula
G.	Carryover Amount	Input
Н.	Total Proportionate Amount	Formula



# What do LEAs use to complete the Proportionate Share tab?

- The FT085 IEP Services by Primary Area report in the FTE-1 Special Education Reports contains all the necessary information.
- LEAs should use the FT085 from the prior year's FTE-1 (i.e., for the FY25 IDEA Budgets (611 and 619) use the FT085 Report from FTE-1 of FY24).
- Eligible students with disabilities included in FTE-1 will be shown in an LEA's FT085 IEP Services by Primary Area.
- The FT085 will show ALL students who are eligible for special education.
  - N: Eligible and Not Served
  - S: Eligible and Served with a Services Plan
  - Y: Eligible and Served with an IEP



# Proportionate Share Tabs: Key Takeaways

- Use the FT085 report from the prior year's FTE-1
- Keep in mind the FT085 report is a snapshot in time
- Must refer to the FTE1 snapshot of the prior school year





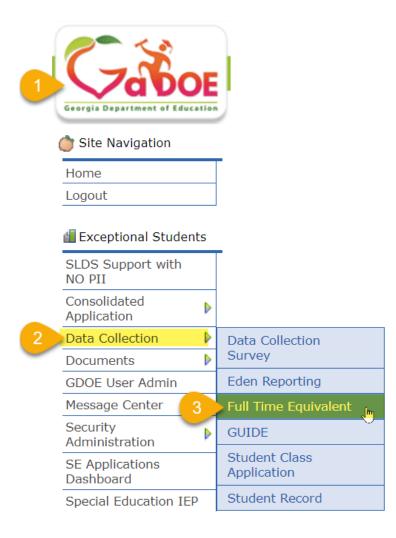
## Access the FT085 Report

Follow the steps below to locate the FT085 Report:



**Step 2.** Select Data Collection from the Menu

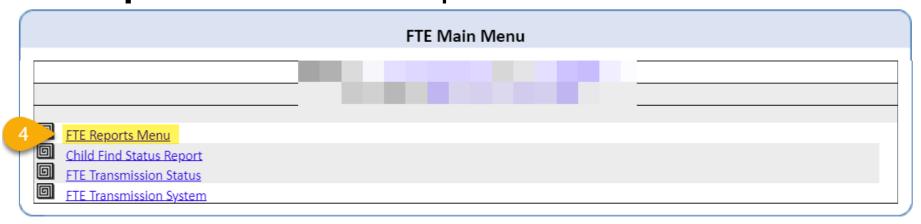
Step 3. Select Full-Time Equivalent



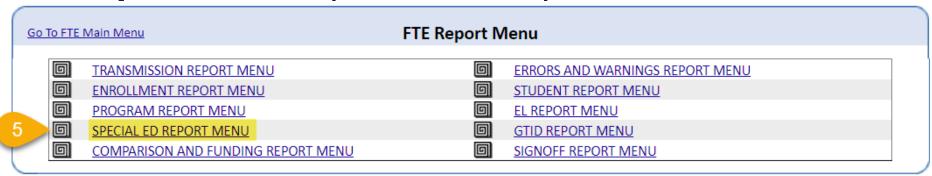


## Access the FT085 Report

#### Step 4. Select FTE Reports Menu



### Step 5. Select Special Ed Report Menu





## Access the FT085 Report

### Step 6. Select FT085 IEP Services by Primary Area

To FTE Main Menu SPECIAL ED REPORT MENU					
G	FT004 Enrollment in Special Education		FT017 Special Education Child Count		
	FT018 Special Education Services by Disability	<b>5</b>	FT019 Special Education Related Services		
	FT020 Special Education Environment School-Age Students	9	FT027 Special Education Environment, Early Childhood		
9	FT041 Special Education Exit	۵	FT042 Special Education Enrollment by Race/Ethnicity, School- Age		
۵	FT043 Special Education Enrollmentby Race/Ethnicity, Early Childhood	٥	FT045 Special Ed. Student Summary Report		
	FT048 Alternate Content Standards Student Enrollment	<b>(3)</b>	FT057 Service Hours By Primary Area		
	FT058 Child Count Enrollment by Grade		FT059 Child Count Student Detail		
	FT062 Prior Reported Child Find counts	0	FT063 SB10 Reported (E311)		
۵	FT075 Total Service Minutes	6	FT085 IEP SERVICES BY PRIMARY AREA FOR PROPORTIONATE SHARE		
	FT086 SWD Graduated Report	<b>E</b>	FT087 Enrollment by Disability		





# **Completing the Proportionate Share tab**

The \_\_\_\_\_ report is used in the calculation of Proportionate Share.

➤ Is the prior or current year report used to calculate Proportionate Share?





# **Completing the Proportionate Share tab**

- The FT085 IEP Services by Primary Area report is used in the calculation of Proportionate Share.
- ➤ Is the prior or current year report used to calculate Proportionate Share? Prior year



## **Proportionate Share**

An LEA <u>must expend</u> a proportionate share of IDEA funds on equitable services for parentally-placed private school children with disabilities

(34 C.F.R. § 300.133).





# Proportionate Share Expenditures 34 C.F.R. § 300.133

#### An LEA ...

- Determines the services to provide <u>certain</u> parentally-placed private school children with disabilities <u>after timely and</u> <u>meaningful consultation</u>
- Must carry over any unexpended proportionate share funds for one year (34 C.F.R. § 300.133(a)(3))
- May use state and local funds to supplement, but not supplant, the proportionate share funds



## Eligible Expenditures

#### **Eligible Expenditures**

- Benefit only eligible students
- Service Plan Meeting specific to eligible child
- Time to prepare/plan services specific to eligible child
- Direct services
- Equitable services providers:
  - LEA employees
  - Contractors
  - Private school employees performing services outside of regular hours of duty and under the supervision and control of the LEA



## Eligible Expenditures (cont.)

### **Eligible Expenditures**

- Indirect services
  - Consultative services
  - Equipment and materials
  - Training for private school personnel
- Transportation
  - If necessary for the child to benefit from or receive services
  - Mileage reimbursement



# Non-Eligible Expenditures Administrative Costs

34 C.F.R. § 300.133(a) To meet the provision of services for parentally-placed private school children with disabilities each LEA must spend on providing special education and related services (including direct services) means that administrative costs cannot be included.

- Costs incurred by grant recipients or sub-recipients in support of the day-to-day operations of their LEA.
- Costs that are not related to the direct provision of program activities.



## Non-Eligible Expenditures

#### Non-Eligible Expenditures

- Administrative costs clerical, director, etc.
- Consultation meetings
- Preparation for Service Plan Meeting (scheduling, phone calls, and printing)
- Child find activities
  - Evaluations
  - Re-evaluations
- Separate classes if classes are at the same site and the classes include public and private school students



## Non-Eligible Expenditures

#### Non-Eligible Expenditures

- Remodeling or repairs of private school facilities
- Paying salaries of private school staff for part of regular duties
- Funds used to benefit a private school
  - Meeting the needs of a private school or the general needs of its students
  - Turning over proportionate share funds to the private school to use at its discretion





# Pick Three Non-Eligible Expenditures for Proportionate Share

- Training for Private School Personnel
- 2. Administrative Costs
- 3. Child Find Activities
- 4. Evaluations
- 5. Re-evaluations
- Transportation of Student for Services





# Pick Three Non-Eligible Expenditures for Proportionate Share

- Training for Private School Personnel
- 2. Administrative Costs
- 3. Child Find Activities
- 4. Evaluations
- 5. Re-evaluations
- 6. Transportation of Student for Services



# What is the Right Thing to Do?





Student A is a parentally-placed private school student with a disability.

Student A resides in the Beachwood School District.

Student A <u>attends</u> a non-profit private school located in the Pepper Pike School District.



- a. Beachwood School District
- b. Pepper Pike School District



Student B is a parentally-placed private school student with a disability.

Student B resides in the Lyndhurst School District.

Student B <u>attends</u> a for-profit private school located in the Richmond Heights School District.



- a. Lyndhurst School District
- b. Richmond Heights School District
- c. Neither school district



The Solon School District must set aside \$10,000 in IDEA 611 Flowthrough funds for equitable services. The district has four private schools. There are 10 students with disabilities enrolled in those schools and are all on services plans. Of those students, nine students need speech and language services but one student needs orientation and mobility services.

If the district expends all \$10,000 on speech and language, is the district required to provide orientation and mobility services to the 10<sup>th</sup> student?



If the district expends all \$10,000 on speech and language, is the district required to provide orientation and mobility services to the 10<sup>th</sup> student?

- a. Yes
- b. No



The Solon School District must set aside \$10,000 in IDEA 611 Flowthrough funds for equitable services. The district has four private schools. There are 10 students with disabilities enrolled in those schools and are all on services plans. Of those students, nine students need speech and language services but one student needs orientation and mobility services.

If the district expends only \$7,000 on speech and language and opts to carry over the remaining \$3,000, is the LEA in compliance?



If the district expends only \$7,000 on speech and language and opts to carry over the remaining \$3,000, is the district in compliance?

- a. Yes
- (b.) No





## Available Resources



# Non-Regulatory Guidance FAQs



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF SPECIAL EDUCATION AND REHABILITATIVE SERVICES
OFFICE OF SPECIAL EDUCATION PROGRAMS

OSEP OA 22-01

#### QUESTIONS AND ANSWERS ON SERVING CHILDREN WITH DISABILITIES PLACED BY THEIR PARENTS IN PRIVATE SCHOOLS

Revised February 2022

Part B of the Individuals with Disabilities Education Act (IDEA Part B) at Section 612(a)(10)(A) and its implementing regulations at 34 C.F.R. §§ 300.130 through 300.144 contain specific requirements regarding State and local responsibilities for equitable services for parentally-placed private school children with disabilities. The U.S. Department of Education (Department), Office of Special Education and Rehabilitative Services (OSERS) issues this Questions and Answers (Q&A) document to provide State educational agencies (SEAs), local educational agencies (LEAs), parents, private school officials, advocacy organizations, and other interested parties with information regarding these requirements.<sup>2</sup>

Children with disabilities attending private schools will generally fall into one of three categories: (1) those placed by their parents, who are not enrolled in the LEA, and for whom the provision of a free appropriate public education (FAPE) is not at issue; (2) those placed by their parents and who are, or previously were, enrolled in the LEA and the provision of FAPE is at issue; and (3) those placed by the LEA as the means of ensuring that FAPE is made available. As used in this document, the phrase "FAPE is not at issue" means there is no disagreement between the parent and LEA about the availability of a program to provide FAPE to the child, and the parent has placed the child in a private school and is not seeking financial reimbursement for the private school placement.

C	ONTENTS
A.	Child Find and Individual Evaluations
В.	Consultation with Private School Representatives and Representatives of Parents of Parentally-Placed Private School Children with Disabilities
C.	Equitable Services1
D.	Provision of Equitable Services
E.	Services Plans
F.	Location of Services and Transportation
G.	Equitable Service Providers
H.	Out-of-State Children with Disabilities and Children with Disabilities Whose Parents Live in Other Countries
I.	Home-Schooled Children with Disabilities
J.	Preschool Children
K.	State Voucher and Scholarship Programs
L.	Children in For-Profit Private Schools4
M.	Extended Public School Closures
N.	Proportionate Share Calculation for Equitable Services
O.	Expenditures and Allowable Use of Funds
P.	Property, Equipment, and Supplies
Q.	Dispute Resolution: State Complaints, Mediation, and Due Process Complaints

Questions and Answers
on Serving Children with
Disabilities Placed by
Their Parents in Private
Schools
(Revised February 2022)





This QAA document only addresses requirements under the IDEA related to equitable services for parentally splaced private school children with disabilities, including home-schooled children with disabilities and termined by Sate law. Children with disabilities allow the regists under two civil rights laws that probabil discrimination on the basis of disability—Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americanes with Disabilities Act (Title II). Section 504 probhibit discrimination by repicts of Federal financial assistance, such as SEAs and LEAs. Title II probabile discrimination by public entities, including SEAs and LEAs, regardless of receipt of Federal financial assistance sixtues. The Office for CiVI Rights (OCK) in the U.S. Department of Education entitless Section 504 in public entireties, provides technical assistance on the requirements of Title II. More information about these laws is available at www.ed.gov/sex.doi.

<sup>&</sup>lt;sup>2</sup> This (QAA document does not address requirements under the IDEA related to children with disabilities who are or have been placed in or referred to a private school of facility by a public agency as a mensor of providing special clasticulum and related services under 34 C.P.R. §§ 2001.148 through 300.147. Further, this QAA document does not address placement of children by their purents in private schools called an experiment of the provided of the pr

# **GaDOE Resources Special Education Webpages**

- Implementation Manual Private Schools Chapter
- Special Education Budget webpage Resources for Guidance section
- Sample affirmation forms
  - Private School Affirmation form (Individual)
  - Private & Home Schools Participation/Affirmation Form (Group)



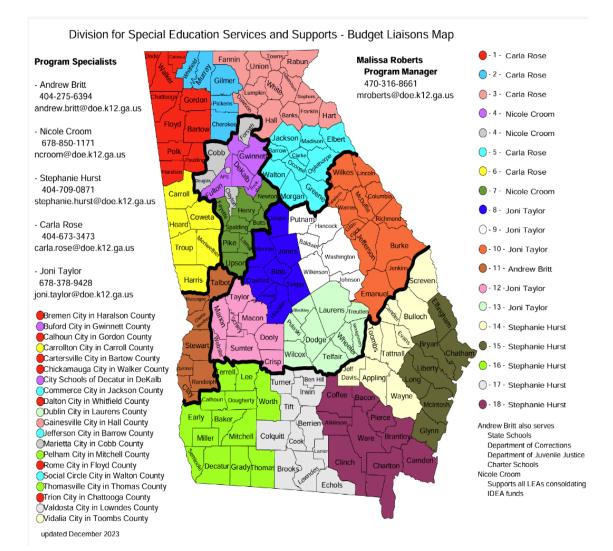
### Roll'em . . .





# **Budget Liaisons**

Map







## **Contact Us**

**Danielle Smith** 

Danielle.Smith@doe.k12.ga.us 404-858-7418

**Nicole Croom** 

Ncroom@doe.k12.ga.us

678-850-1171

Carla Rose

Carla.Rose@doe.k12.ga.us

404-673-3473

**Andrew Britt** 

Andrew.Britt@doe.k12.ga.us

404-275-6394

Stephanie Hurst

Stephanie.Hurst@doe.k12.ga.us

404-709-0871

Joni Taylor

Joni.Taylor@doe.k12.ga.us

678-378-9428

We

Are

Here

To

Help!



#### **Thank You!**



### www.gadoe.org









@georgiadeptofed



youtube.com/user/GaDOEmedia

